

## DANBURY HATTERS CASE AGAIN IN COURT

Decision Freeing Union Members From Paying Damages to Be Reviewed.

### NEW TRIAL IS HAMPERED

According to the Attorneys for the Manufacturers Who Were Boycotted.

**WASHINGTON.**—Jan. 2. The Supreme Court will be asked for a second time to pass upon what has come to be known as the Danbury hatters' case, which appears in the Supreme Court reports under the title of *Lawler vs. Loewe, Daniel Davenport and Walter Gordon Merritt*, filed an application to-day for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit to have the case brought before the Supreme Court for review.

The motion was filed with the Clerk of the Supreme Court and will be submitted formally to the court on Monday. The question involved in the latest phase of the case is as to the responsibility of members of the United Hatters' Union to answer in damages under the judgment of the United States District Court for the District of Connecticut for injuries inflicted on the Danbury firm as the result of a strike and a boycott.

After the Supreme Court had decided in the first case brought before it growing out of the Danbury affair that the facts alleged against the 200 defendants constituted a cause of action for damages under the Sherman antitrust law, the United States District Court for Connecticut proceeded with the case before Judge James B. Flatt and a jury, and under instructions from the court the jury returned a verdict awarding \$7,000 in damages to the Danbury firm that had complained. Later on April 18, 1910, the court, after adding attorneys' fees and costs, trebled the amount given in the verdict in accordance with the statute and awarded a judgment for \$21,240.12. The union hatters named as defendants appealed from this judgment to the Circuit Court of Appeals for the Second Circuit, which on April 1, 1911, reversed the judgment of the lower court and remanded the case for a new trial.

The Circuit Court of Appeals refused to affirm the judgment of the lower court in so far as it held that the members of local unions should be held liable in damages. The court, however, did accept the contention of the members that they were the officers and agents on the ground that they were principals and responsible for the acts of their duly authorized agents. The Court of Appeals refused to adopt this line of reasoning.

The clause of the constitution of the United Hatters' Union provides that certain officers shall use all means in their power to bring such shops that remain closed into the trade, does not necessarily imply that those officers shall use other than lawful means to accomplish such objects. Surely the fact that an individual joins an association having such a clause as express as is essential to the perpetration of arson or murder, something more must be shown as, for instance, that with the knowledge of the members unlawful means have been so frequently used with the express or tacit approval of the association and its agents were warranted inasmuch as the members of the union are liable for damages under the program.

In other words, the Court of Appeals held that the members of the union cannot be held responsible for the acts of their agents unless, in fact, some guilty knowledge. If the Federal court in the District of Connecticut should proceed with the case in accordance with the judgment of the Court of Appeals and under its mandate, which by the way has already been given, the judgment will change the picture very little, as the newly 200 defendants, who were members of the union are liable for damages under the program.

The attorneys for the manufacturing hatters say that it is to afford a defense the time has arrived when all labor organizations will be conducted by associations of men in membership along the lines of great secrecy in order to seek the shelter of such a practice of law.

### FOR COMPOUNDING FELONY.

**Arrest of Lace Manufacturers After Employee's Arrest for Theft.** Louis Goritz of 26 Beckman place and Benjamin Spitzer of the same address, lace manufacturers, were locked up in the East Eighty-eighth street police station late last summer and the case was being heard yesterday morning in Part III of the Supreme Court to determine if they would be held to stand trial on the charge of conspiracy to commit larceny. The defense entry is that they compounded a felony and are charged by John Freedman of 17 East Sixty-second street with accepting \$5 from him under promise that they would not press a complaint of larceny by Louis Goritz, John's cousin. At the station house it was said that Victor Freedman is being held on a charge of larceny and that an off-the-record statement made by the two men to the police, Freedman and his touch with the District Attorney's office, the money to be passed last night. The arrests followed.

### LU LU GLASER TO GET DECREE.

**Tells Court Herz Choked Her and Called Her C. Herz Names.**

**CHICAGO.**—Jan. 2. Ralph C. Herz, the comedian, beat his wife, known on the stage as LuLu Glaser, choked her and called her a "harmful" and a "bewy woman," according to Mrs. Herz and witnessess in her divorce suit this morning.

We were married in New York May 23, 1907. Mrs. Herz testified. "The first trouble we had was November 12 of that year. He threatened to kill me, took me by the throat and choked me black and blue."

The same thing occurred on November 16, 1908, the day we separated. I remained in New York, while he went to a barmaid and I can't say the words. Our life has been nothing but repeated haggling and cruelty on his part, your Honor.

Herz did not contest and attorneys were instructed by the court to prepare the decree.

### Erie Has a New Fire Tug.

The latest addition to the Erie's fire fighting fleet of tugs, the John C. Stuart, named for the vice-president of the company, was put into commission yesterday.

J. Grymes, head of the road's marine department, had charge of the tug and entertained aboard her on her trip up the river from Cortlandt street a party of Erie officials and other invited guests. In midstream she stopped and played five tiny streams on an instant.

Mrs. Grymes said she was superior to any other railroad fire fighting tug in this harbor.

### STEINWAY TUNNEL SUIT BEGUN.

#### Attorney-General Starts Ouster Proceedings for Public Service Board.

Attorney General Carmody filed suit yesterday against August Belmont, Walter Litton, John Pearce, George W. Young and others as trustees for the New York and Long Island Railroad Company, which is the Belmont or Steinway tunnel company, to oust the defendants from possession of the tunnel and revoke all the defendants' rights and franchises.

The complaint states that the franchises under which the tunnel was constructed were granted in 1890, but by subsequent acts of the Legislature at the time under which the defendants could begin operating the tunnel was extended to 1907. The tunnel isn't in operation yet, the complainant says, and for that reason the defendants have forfeited all their powers.

The complainant states that the franchises under which the tunnel was constructed were granted in 1890, but by subsequent acts of the Legislature at the time under which the defendants could begin operating the tunnel was extended to 1907. The tunnel isn't in operation yet, the complainant says, and for that reason the defendants have forfeited all their powers.

The Attorney General says that the rapid transit facilities of the city are wholly inadequate at the present time and public interests require that additional facilities be provided. The streets and lands occupied by the Belmont tunnel are essential to the providing of additional facilities, it is alleged, and for years past the Public Service Commission has exercised its powers to the utmost to effect an arrangement with the defendants by which the tunnel may be completed and put in operation, but the defendants refuse to enter into any negotiations looking to such an arrangement.

The suit is brought at the request of the Public Service Commission, it is stated, on the ground that any legislative act assuming to give the defendants any rights in the tunnel since 1907 are void. The complainant asks that a decree be entered giving the city right to take possession.

In an article which will appear to-day in the *Journal's Circular* Mr. Levy writes that no conferment with the State Insurance Department and is now working on a plan which will enable members of the league to conserve their interests. He points out that each of the four "options" offered by Mr. Kerr involves a very substantial pecuniary loss, and that there is no assurance that the losses of one of the options contains any assurance that a member accepting it will not be obliged from time to time to pay additional assessments in case the funds of the league available for that purpose are not large enough to meet death claims.

Mr. Levy cautions the largest members among them the value of their assets by dropping their membership, and suggests that pending the acceptance of some plan of self protection they continue to make monthly payments on present certificates.

### FEWER KILLED IN THE MILLS.

#### Safety Devices Cause Large Reduction in Accidents in Pittsburgh.

**PITTSBURGH.**—Jan. 2. The first statistics compiled for 1911 relative to fatalities in mills in the Pittsburgh district show that the installation of safety devices resulted in a decrease of 30 per cent in fatalities.

Congressman S. C. Jamison's report shows that there were 2,657 deaths in Allegheny county in 1910, or 290 fewer than in 1910. Fatalities due to mill accidents numbered 100, or fifty-two fewer than in the preceding year.

Regardless of what may be the outcome of the present negotiations looking toward the reorganization of the International through the subway situation the arrangement made with the Brooklyn Rapid Transit Company last summer will be continued, it is believed, in other words to continue the arrangement with the Brooklyn and the Erie interurban lines. The interurban company understands through representatives of the Pennsylvania Railroad that they were principal and responsible for the acts of their duly authorized agents. The Court of Appeals refused to adopt this line of reasoning.

The clause of the constitution of the United Hatters' Union provides that certain officers shall use all means in their power to bring such shops that remain closed into the trade, does not necessarily imply that those officers shall use other than lawful means to accomplish such objects.

Surely the fact that an individual joins an association having such a clause as express as is essential to the perpetration of arson or murder, something more must be shown as, for instance, that with the knowledge of the members unlawful means have been so frequently used with the express or tacit approval of the association and its agents were warranted inasmuch as the members of the union are liable for damages under the program.

In other words, the Court of Appeals held that the members of the union cannot be held responsible for the acts of their agents unless, in fact, some guilty knowledge.

If the Federal court in the District of Connecticut should proceed with the case in accordance with the judgment of the Court of Appeals and under its mandate, which by the way has already been given, the judgment will change the picture very little, as the newly 200 defendants, who were members of the union are liable for damages under the program.

The attorneys for the manufacturing hatters say that it is to afford a defense the time has arrived when all labor organizations will be conducted by associations of men in membership along the lines of great secrecy in order to seek the shelter of such a practice of law.

### SHOT IN SEARCHING DRAWER.

#### Man Who Seeks Court Papers Seriously Wounded Child Gets Help.

Thomas Lynch, Jr., who owns a large retail and wholesale tea and coffee house, in his home, at West Twenty-fourth street, when he tripped over a rug and fell against a bureau drawer in which he was searching. His hand fell on a revolver in the drawer, and it went off. The wound is a serious one, and Mr. Lynch is now in Bellevue Hospital.

Mr. Lynch was injured in a street car accident last summer and the case was being heard yesterday morning in Part III of the Supreme Court to determine if they would be held to stand trial on the charge of arson by two of District Attorney Whitman's detectives. The defense entry is that they compounded a felony and are charged by John Freedman of 17 East Sixty-second street with accepting \$5 from him under promise that they would not press a complaint of larceny by Louis Goritz, John's cousin.

At the station house it was said that Victor Freedman is being held on a charge of larceny and that an off-the-record statement made by the two men to the police, Freedman and George H. Frazer and John Mayer, directors, Gustav E. Kissel, the safe broker of this city, and Charles H. Seelye, both of whom were directors and were indicted with the others, died last year.

In response to notices headed "Woodrow Wilson League of New York" of a public meeting in Avenue A twenty-five youthful citizens gathered at the New York City Assembly Room to listen to the Rev. Dr. John L. Dillenbeck, a speaker in favor of the Wilson candidacy for President. He said that the league had started in his office on the East side, and that 1,500 had already signed and that he projected a big meeting to be held in Carnegie Hall or the People's Institute. He said he was temporary president.

The shopmen's strike of the Harriman lines for the past two months has badly crippled the engines of the company and all trains are late. The management decided that the locomotives will leave the shop in poor condition, and that the only way to get the culprits into hold the management responsible.

The Order of Locomotive Engineers denounces this as a reflection upon its members.

### EAST SIDE WILSON LEAGUE.

#### Founder Says It Has 4,500 Members They Didn't Come to the Meeting.

**NEW YORK.**—Jan. 2. In unless the management of the Harriman lines in Texas resists the order it issued holding engineers personally responsible for their engines' 1,000 engines will run within forty-eight hours. The locomotives are being tampered with, and while not charging the engineers in so many words, the company makes the implication by the new order which the engineers resent.

The shopmen's strike of the Harriman lines for the past two months has badly crippled the engines of the company and all trains are late. The management decided that the locomotives will leave the shop in poor condition, and that the only way to get the culprits into hold the management responsible.

The defendants are Washington B. Thomas, president, and Arthur Donner, treasurer, of the American Sugar Refining Company, who were indicted by the Federal Grand Jury in June 1910 on the charge of conspiring to restrain interstate and foreign trade in raw and refined sugar in violation of the Sherman antitrust and the Mann Act. The trial was to be held yesterday but was postponed because of pressure of work in the District Court.

The defendants are Washington B. Thomas, president, and Arthur Donner, treasurer, of the American Sugar Refining Company, who was indicted by the Federal Grand Jury in June 1910 on the charge of conspiring to restrain interstate and foreign trade in raw and refined sugar in violation of the Sherman antitrust and the Mann Act. The trial was to be held yesterday but was postponed because of pressure of work in the District Court.

The attorneys for the manufacturing hatters say that it is to afford a defense the time has arrived when all labor organizations will be conducted by associations of men in membership along the lines of great secrecy in order to seek the shelter of such a practice of law.

Victor Freedman, 17 East Sixty-second street, when he tripped over a rug and fell against a bureau drawer in which he was searching. His hand fell on a revolver in the drawer, and it went off. The wound is a serious one, and Mr. Lynch is now in Bellevue Hospital.

Mr. Lynch was injured in a street car accident last summer and the case was being heard yesterday morning in Part III of the Supreme Court to determine if they would be held to stand trial on the charge of arson by two of District Attorney Whitman's detectives. The defense entry is that they compounded a felony and are charged by John Freedman of 17 East Sixty-second street with accepting \$5 from him under promise that they would not press a complaint of larceny by Louis Goritz, John's cousin.

At the station house it was said that Victor Freedman is being held on a charge of larceny and that an off-the-record statement made by the two men to the police, Freedman and George H. Frazer and John Mayer, directors, Gustav E. Kissel, the safe broker of this city, and Charles H. Seelye, both of whom were directors and were indicted with the others, died last year.

In response to notices headed "Woodrow Wilson League of New York" of a public meeting in Avenue A twenty-five youthful citizens gathered at the New York City Assembly Room to listen to the Rev. Dr. John L. Dillenbeck, a speaker in favor of the Wilson candidacy for President. He said that the league had started in his office on the East side, and that 1,500 had already signed and that he projected a big meeting to be held in Carnegie Hall or the People's Institute. He said he was temporary president.

The shopmen's strike of the Harriman lines for the past two months has badly crippled the engines of the company and all trains are late. The management decided that the locomotives will leave the shop in poor condition, and that the only way to get the culprits into hold the management responsible.

The Order of Locomotive Engineers denounces this as a reflection upon its members.

The latest addition to the Erie's fire fighting fleet of tugs, the John C. Stuart, named for the vice-president of the company, was put into commission yesterday.

J. Grymes, head of the road's marine department, had charge of the tug and entertained aboard her on her trip up the river from Cortlandt street a party of Erie officials and other invited guests. In midstream she stopped and played five tiny streams on an instant.

Mrs. Grymes said she was superior to any other railroad fire fighting tug in this harbor.

At the rear of the top floor lived Mrs. Elsie Friedlaender, a widow, and her seven children. Firemen carried out the children. Only two of them were suffering much from the smoke. One was a baby. The mother became excited and jumped out of the window, landing on a heap of rubbish. She was considerably bruised.

The store on the ground floor of the tenement is used as a stable for pheasants.

The fire started among the flocks of pheasants stored there.

**Taxed With Bigamy, Cuts His Throat.**

A month ago Frederick Raymond, a chauffeur who had come here from Beverly, Mass., married Dora C. Crane of Newark. Yesterday the wife's brother taxed him in her presence with having a wife in Beverly. Raymond denied it and agreed to accompany his wife and her brother to the house of the brother's informant. Arrived there, Raymond could not go in to confront the informant. He hurried home in advance of the others, wrote a letter to his wife confessing his bigamy and cut his throat. He is in Bellevue and may recover. The brother took his sister back to Newark.

At the rear of the top floor lived Mrs. Elsie Friedlaender, a widow, and her seven children. Firemen carried out the children. Only two of them were suffering much from the smoke. One was a baby. The mother became excited and jumped out of the window, landing on a heap of rubbish. She was considerably bruised.

The store on the ground floor of the tenement is used as a stable for pheasants.

The fire started among the flocks of pheasants stored there.

**Erie Has a New Fire Tug.**

The latest addition to the Erie's fire fighting fleet of tugs, the John C. Stuart, named for the vice-president of the company, was put into commission yesterday.

J. Grymes, head of the road's marine department, had charge of the tug and entertained aboard her on her trip up the river from Cortlandt street a party of Erie officials and other invited guests. In midstream she stopped and played five tiny streams on an instant.

Mrs. Grymes said she was superior to any other railroad fire fighting tug in this harbor.

At the rear of the top floor lived Mrs. Elsie Friedlaender, a widow, and her seven children. Firemen carried out the children. Only two of them were suffering much from the smoke. One was a baby. The mother became excited and jumped out of the window, landing on a heap of rubbish. She was considerably bruised.

The store on the ground floor of the tenement is used as a stable for pheasants.

The fire started among the flocks of pheasants stored there.

**Miners Withdraw Demands.**

SCRANTON, Pa., Jan. 2. Official notice of the forthcoming demands of the miners to the operators until after the national convention of the miners, which will open in Indianapolis January 10, announced John P. White, national president of the union, who is in Scranton to-day. The demands will be incorporated in an agreement effective April 1 next when the present working agreement expires.

The miners' withdrawal of demands is as follows:

1. Miners withdraw demands to the operators until after the national convention of the miners, which will open in Indianapolis January 10.

2. Miners withdraw demands to the operators until after the national convention of the miners, which will open in Indianapolis January 10.

3. Miners withdraw demands to the operators until after the national convention of the miners, which will open in Indianapolis January 10.

4. Miners withdraw demands to the operators until after the national convention of the miners, which will open in Indianapolis January 10.

5. Miners withdraw demands to the operators until after the national convention of the miners, which will open in Indianapolis January 10.